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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,247	01/14/2002	David Lee Garrison	23952-0045	1844
72386, 7590 SUTHERLAND II SUTHERLAND, ASBILL & BRENNAN, LLC 999 PEACHTREE STREET ATLANTA, GA 30309			EXAMINER MALHOTRA, SANJEEV	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/043,247	<b>Applicant(s)</b> GARRISON ET AL.	
	<b>Examiner</b> Sanjeev Malhotra	<b>Art Unit</b> 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 46-51, 54-66 and 69-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46-51, 54-66 and 69-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **Acknowledgments**

1. The Examiner for this application has changed with effect from November 15<sup>th</sup>, 2007. Please indicate Examiner Sanjeev Malhotra as the examiner of record in all future correspondence.

## ***DETAILED ACTION***

2. This is the Final Office Action in response to the Amendment, Remarks/ Arguments filed by the Applicant on August 6<sup>th</sup>, 2007 for its application titled: "Remittance Payment Processing with Account Scheming and/or Validation".

Of the previously pending Claims 46-76, Claims 52-53 and 67-68 have been cancelled, and Claims 46, 54-55, 61, 69-70 and 76 have been amended. Thus, Claims 46-51, 54-66, 69-76 are currently pending in this application.

### ***Priority Claim***

3. The Applicants have failed to address their priority date claim per 35 USC 120 and/or 37 CFR 1.78 in their response filed on August 6, 2007. As noted in the Non-Final Rejection mailed out on April 5<sup>th</sup>, 2007, the Applicants are hereby reminded to amend their Specification to claim the correct priority date. The Applicants submission of August 6<sup>th</sup>, 2007 is NOT fully responsive to the Office Action of April 5<sup>th</sup>, 2007, and the current Examiner considers it a genuine oversight on part of the Applicants and thus grants them additional time to correct their priority date claim.

As a ready reference, the paragraph from April 5<sup>th</sup>, 2007 Office Action is described below:

“This application discloses and claims only subject matter disclosed in prior Application No. 08-994,047, filed 12/19/1997 and names an inventor or inventors named in the prior application. Accordingly, this application may constitute a continuation or division. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.”

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 46-51, 54-66, 69-76 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,311,170 issued to Mark C. Embrey claiming priority from December 4, 1996 and titled: “Method and Apparatus for Making Payments and Delivering Payment Information” (hereinafter “Embrey”).

**Re claim 46, 76 & 61:** Embrey discloses:

*A method and system, comprising:*

*Receiving a customer account number associated with a payor and a payee (Embrey, Figure 4, item 82)*

*Selecting at least one alteration rule associated with the payee (Embrey, column 3, lines 34-41)*

*Altering the customer account number to a modified consumer account number, based on the at least one alteration rule associated with the payee, and wherein altering the consumer account number to a modified consumer account number includes inserting a character string at a particular position in the consumer account number to create the modified consumer account number (Embrey, Figure 4, item 13 and column 8, lines 43-59)*

*Transmitting the modified consumer account number to the payee (Embrey, Figure 4, item 19)*

**Re claim 47 & 62:** Embrey discloses:

*Includes transmitting payment information to the payee (Embrey, Figure 4, item 19)*

**Re claim 48 & 63:** Embrey discloses:

*One alteration rule identifies an expected account number format required by the payee (Embrey, Figure 33, item 1615)*

**Re claim 49 & 64:** Embrey discloses:

*One alteration rule is associated with a plurality of payees (Embrey, Figure 32, 2 payee)*

**Re claim 50 & 65:** Embrey discloses:

*Consumer account number is received as part of a payment record (Embrey, Figure 4, item 18)*

**Re claim 51 & 66:** Embrey discloses:

*Payment record is one of a plurality of payment records received in a batch (Embrey, Figure 4, item 18)*

**Re claim 54 & 69:** Embrey discloses:

*Character string is comprised of numeric characters, non-numeric characters, or a combination of numeric characters and non-numeric characters. (Embrey, column 8, line 43-59)*

**Re claim 55 & 70:** Embrey discloses:

*The character string includes a portion of payor's name, address, zip code or defined character string (Embrey, Figure 7)*

**Re claim 56 & 71:** Embrey discloses:

*Receive zip code and locate payee on merchant database (Embrey, column 7)*

**Re claim 57 & 72:** Embrey discloses:

*Validating the consumer account number (Embrey, Figure 4, item 13)*

**Re claim 58 & 73:** Embrey discloses:

*Verifying account number includes necessary information (Embrey, Figure 4, item 13)*

**Re claim 59 & 74:** Embrey discloses:

*Verifying account number with identification template (Embrey, Figure 4, item 13)*

**Re claim 60 & 75:** Embrey discloses:

*Alteration rules is accosted with validation template (Embrey, Figure 4, item 13)*

## **Response to Arguments**

5. Applicant's REMARKS and Arguments dated August 6<sup>th</sup>, 2007 with respect to Claims 46-51, 54-66, 69-76 have been considered, but they are not persuasive.

In the last Office Action mailed on April 5<sup>th</sup>, 2007, the Examiner of record put forth the arguments for rejection of Claims 46-76; and current Examiner maintains the argument of the previous examiner(s), and disagrees with the arguments submitted. Further, the current Examiner clarifies that the current amendments were mainly the cancelled dependent claims (52-53 and 67-68) that were rejected before and now have been rolled into the independent claims to amend them. Thus, the Applicants argument about Embrey's teachings is not persuasive, as the amendments had been rejected before as dependent claims.

Further, the Examiner clarifies that Embrey's teaching include payment information sent to payees as described in Column 3, lines 34-41 that the Applicants may have missed by stopping their review at line 33 as stated in their arguments: "According to the Office Action mailed on April 5, 2007, Claims 46-76 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,311,170 to Embrey ("Embrey"). As disclosed in Embrey, a service provider makes payments, on behalf of the plurality of payor entities, to a plurality of payee entities where a trusted intermediary financial institution periodically receives payment information and payment authorization from the plurality of payor entities. (See Embrey, Abstract). The trusted intermediary financial

institution automatically transfers funds to the service provider in amounts consistent with payment information that includes (1) an identification of each of the plurality of payee entities; (2) an identification of payment amounts for each of the plurality of payee entities; (3) a payment record identifier (also referred to as a "virtual check number") which is uniquely associated with each payment; and (4) a character string, known as an "authorization code", which is uniquely associated with each payment record identifier. (See Embrey, Abstract; Col. 3, lines 10-33; Col. 8, lines 43-59)." Further, the Applicants are informed that the references cited in the rejection of claims must be read in entirety as other passages and drawings may also apply.

Additionally, the current Examiner has carefully searched the Specification for the description of "the alteration rules" as submitted by the Applicants and have found the following: "The alteration rules can specify a wide variety of formats and may be realized as templates specifying fields or values, or as instructions for combining information from different fields. Typically, an altered account number is formed by combining the account number with some part of payment information or other information related to the payee. For example, the altered account number may include a portion of the payor's name, a portion of the payor's address, or a portion of the payor's zip code combined with the account number." Embrey's teachings state in part of Column 3, lines 34-41: "The payment information includes at least (1) an identification of each of the plurality of payee entities, (2) an identification of payment amounts for each of



the plurality of payee entities; and (3) a payment record identifier which is uniquely associated with each payment amount such as a "virtual check number"., and this unique record identifier is consistent with "the alteration rules" described by the Applicants in their Specification.

## Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanjeev Malhotra whose telephone number is 571-272-7292. The examiner can normally be reached on Flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully

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consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

SM  
December 4, 2007



James P. Trammell  
Supervisory Patent Examiner